

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ABBVIE INC., *et al.*,

Plaintiffs,

v.

AUROBINDO PHARMA U.S.A., INC., *et al.*,

Defendants.

Civ. Nos. 24-4403 (ZNQ)(JBD)  
(Lead Coordinated Action)

This document relates to the following cases:

24-4403 (ZNQ)(JBD)

24-4603 (ZNQ)(JBD)

24-4662 (ZNQ)(JBD)

24-4852 (ZNQ)(JBD)

**PRETRIAL SCHEDULING  
ORDER**

This matter having come before the Court for an initial conference pursuant to Fed. R. Civ. P. 16 on October 28, 2024; the Court having set certain deadlines with the participation of counsel; and for good cause shown,

IT IS on this 13th day of November, 2024,

**ORDERED** that the Court ADOPTS the parties' joint proposed pretrial schedule, which shall be as follows:

Event	Date
Plaintiffs' Disclosure of Asserted Claims	November 15, 2024
Parties' Submission of Proposed Stipulated Discovery Confidentiality Order and HIPAA Qualified Protective Order	November 20, 2024
FRCP Rule 26(a) Initial Disclosures	November 20, 2024

Event	Date
Defendants' Service of Invalidity Contentions, Non-Infringement Contentions, and Related Document Production	January 15, 2025
Plaintiffs' Service of Infringement Contentions and Related Document Production; Responses to Defendants' Invalidity Contentions	April 18, 2025
Exchange of Proposed Terms for Construction	May 2, 2025
Exchange of Preliminary Claim Constructions and Supporting Intrinsic and Extrinsic Evidence	May 23, 2025
Identification of Opposing Intrinsic and Extrinsic Evidence	April 6, 2025
Joint Claim Construction and Prehearing Statement	June 23, 2025
Completion of Claim Construction Discovery	July 23, 2025
Opening <i>Markman</i> Submissions	August 7, 2025
Close of Claim Construction Expert Discovery	September 8, 2025
Substantial Completion of Document Production	September 30, 2025
Responsive <i>Markman</i> Submissions	October 6, 2025
Deadline for Parties to Move to Add Parties or Amend the Pleadings	October 13, 2025
Claim Construction Hearing	October 20, 2025

Event	Date
Disclosure of Reliance on Advice of Counsel	Thirty (30) days after entry of Court's <i>Markman</i> order
Close of Fact Discovery	December 12, 2025
Opening Expert Reports	March 13, 2026
Rebuttal Expert Reports	May 12, 2026
Reply Reports	June 26, 2026
Completion of Expert Discovery	August 28, 2026
Opening <i>Daubert</i> Briefs	September 28, 2026
Opposition <i>Daubert</i> Briefs	October 28, 2026
Reply <i>Daubert</i> Briefs	November 18, 2026
Joint Final Pretrial Order	TBD
Pretrial Conference	TBD
Bench Trial	January 25, 2027

**IT IS FURTHER ORDERED** that the Court ADOPTS the parties' proposed limits with respect to interrogatories, requests for admission, and depositions as set forth in paragraphs 9(c)(4) through (c)(6) of the Joint Discovery Plan [Dkt. 37]; and it is further

**ORDERED** that the Court will hold a telephone status conference on **February 5, 2025 at 2:00 p.m.** No later than **January 31, 2025**, the parties shall file a joint status letter via CM/ECF, not to exceed three (3) pages, that summarizes the status of discovery and identifies any issues ripe for discussion with the Court.

The Court will circulate dial-in information in advance of the conference to all parties; and it is further

**ORDERED** that counsel shall confer in good faith in an attempt to resolve any discovery or case management disputes before raising them with the Court. Any such dispute shall be brought to the Court's attention pursuant to paragraph 5 of the Court's Civil Case Management Order, available at (<https://www.njd.uscourts.gov/content/j-brendan-day>). **No discovery motion or motion for leave to amend will be entertained absent leave of Court and counsel's full compliance with L. Civ. R. 37.1(a)(1); see also L. Civ. R. 16.1(f);** and it is further

**ORDERED** that since all dates set forth herein are established with the assistance and knowledge of the parties, there will be no extensions except for good cause shown and by leave of Court, even with consent of all parties; and it is further

**ORDERED** that the Court may, from time to time, schedule conferences as may be required, either on its own motion or at the request of counsel; and it is further

**ORDERED** that failure to appear at subsequent conferences, or to comply with this Order or any subsequent order of the Court, may result in the imposition of sanctions.



J. BRENDAN DAY  
UNITED STATES MAGISTRATE JUDGE